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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/003,957 | 11/15/2001 | Edward Clarke | YOR920010760US1 | 6656 |

7590

12/23/2005

Louis J. Percello
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EXAMINER

NAHAR, QAMRUN

ART UNIT

PAPER NUMBER

2191

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-----------------|---------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/003,957 | CLARKE ET AL. | |
| | Examiner | Art Unit | |
| | Qamrun Nahar | 2191 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed on 09/27/2005.
2. The rejection under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter to claims 16 and 18 is withdrawn in view of applicant's amendment and remarks/arguments.
3. Claim 18 has been amended.
4. Claims 1-19 are pending.
5. Claims 1-9 and 11-18 stand finally rejected under 35 U.S.C. 102(b) as being anticipated by Date et al., CCA Guide to SQL/DS" Addison Wesley Publishing company", 1989 (hereinafter Date).
6. Claims 10 and 19 stand finally rejected under 35 U.S.C. 103(a) as being unpatentable over Date in view of Wanger, US Patent No. 5,742,845.

Response to Amendment

Claim Rejections - 35 USC § 102

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
8. Claims 1-9 and 11-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Date et al., CCA Guide to SQL/DS" Addison Wesley Publishing company", 1989 (hereinafter Date).

See the previous office action (Mailed on 12/30/2004, par. 3) for the rejection to these claims.

Per Claim 18 (Amended):

This is a computer program product version of the claimed system discussed above, claim 1, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also anticipated by Date.

Claim Rejections - 35 USC § 103

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Date in view of Wanger, US Patent No. 5,742,845.

See the previous office action (Mailed on 12/30/2004, par. 5) for the rejection to claim 10.

See the previous office action (Mailed on 06/27/2005, par. 5) for the rejection to claim 19.

Response to Arguments

11. Applicant's arguments filed on 09/27/2005 have been fully considered but they are not persuasive.

In the remarks, the applicant argues that:

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a) However, contrary to the Examiner's assertions, Date fails to disclose the recited state statements. ...

However, the Examiner has failed to show that "INTO OJEX ..." is a state statement within the scope of the pending claims. In particular, Applicant submits that "INTO OJEX ..." indicates that certain specific data will be inserted to update a give table, and does not refer to a state of logical condition statements.

Moreover, Applicant notes that the data updated in the table is replaced with new data, and there is not teaching or suggestion that the data is processed in accordance with the features recited in the independent claims.

Examiner's response:

a) Examiner strongly disagrees with applicant's assertion that Date fails to disclose the claimed limitations recited in claim 1. Date clearly shows each and every limitation in claim 1. Date teaches one or more state statements (E.g. see page 134, lines 36-38, "INTO OJEX **SELECT S.*, SP.P# ...**" (emphasis added); **SELECT S.*, SP.P#** is interpreted as one or more state statements, where the state statements select the supplier, which determines a state of the logical condition statement.). In addition, see the rejection above in paragraph 8 for rejection to claim 1.

In the remarks, the applicant argues that:

b) Further, as previously noted, in the statement, the "WHERE NOT" statement is the logical condition statement and the "WHERE SP ..." statement is the logical parameter.

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However, Date's INSERT statement does not have the form of the claimed invention; that is, the INSERT statement does not include:

... one or more logical condition statements with one or more logical parameters and one or more state statements.

Examiner's response:

b) Examiner strongly disagrees with applicant's assertion that Date fails to disclose the claimed limitations recited in claim 1. Date clearly shows each and every limitation in claim 1. Date teaches one or more logical condition statements (E.g. see page 134, lines 39 and 44-47, "WHERE ...") with one or more logical parameters (E.g. see page 134, line 39, S.S# and SP.S#) and one or more state statements (E.g. see page 134, lines 36-38, "INTO OJEX SELECT S.*, SP.P# ..." (emphasis added); SELECT S.*, SP.P# is interpreted as one or more state statements, where the state statements select the supplier, which determines a state of the logical condition statement.). In addition, see the rejection above in paragraph 8 for rejection to claim 1.

In the remarks, the applicant argues that:

c) Thus, a review of the example identified by the Examiner at page 134 of Date confirms that the INSERT statement is merely a retrieval statement. This INSERT statement is not designed for dynamic integration of content and form. Further, there is no indication that Date's INSERT statement maintains control over the placement decision of form and content in a

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unified presentation while allowing separate requirements on content and form to derive that decision. Instead, ...

Again, the INSERT statement is an update statement, not a retrieval statement. As such, there is no showing of the data, such as the table shown on page 135 of DATE. To show this data, a separate select statement must be used. As such, this is totally irrelevant to the one or more insert statements inserted into the source program file of the claimed invention.

Examiner's response:

c) In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., This INSERT statement is not designed for dynamic integration of content and form. Further, there is no indication that Date's INSERT statement maintains control over the placement decision of form and content in a unified presentation while allowing separate requirements on content and form to derive that decision or the INSERT statement is an update statement) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In the remarks, the applicant argues that:

d) Date also does not show an insert parser, capable of the functionality and methodology of the claimed invention. The "so-called" parser of Date is a preprocessor which examines the SQL statements in the source module, parses them and reports on any syntax errors. It can also be

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used to replace each SQL statements by a PL/I CALL statement, which passes control to the RDS when it is executed at run time. The parser of Date does not parse selected state statement into one or more content source indicators.

Examiner's response:

d) Examiner strongly disagrees with applicant's assertion that Date fails to disclose the claimed limitations recited in claim 1. Date clearly shows each and every limitation in claim 1. Date teaches an insert parser (E.g. see page 27, lines 6-13 and page 28, Figure 2.3 Preprocessor and associated text) ... parses the selected state statement into one or more content source indicators (E.g. see page 134, lines 28-47, "Table OJEX ... **SELECT S.*, SP.P#** ..." (emphasis added); **SELECT S.*, SP.P#** is interpreted as one or more state statements, where the state statements select the supplier, which determines a state of the logical condition statement. Preprocessor parses the selected state statements to determine the suppliers, where the suppliers are the one or more content source indicators.). In addition, see the rejection above in paragraph 8 for rejection to claim 1.

In the remarks, the applicant argues that:

e) Moreover, while the Examiner asserts that Date shows a content insertion process in section 8.2.5 and Figures 2.2 and 2.3, Applicant notes that section 8.2.5 is referring to an INSERT statement for each supplied ... The INSERT statement of Date is not a content insertion process that replaces the insert statement with the content accessed from the content source

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object referred to by the indicators in the source program file, as recited in at least the independent claims.

Examiner's response:

e) Examiner strongly disagrees with applicant's assertion that Date fails to disclose the claimed limitations recited in claim 1. Date clearly shows each and every limitation in claim 1. Date teaches a content insertion process that replaces the insert statement with the content accessed from the content source object referred to by the indicators in the source program file (The content insertion process, e.g. insert statement shown in Section 8.25, is performed by the processor shown in Fig. 2.2 & 2.3; applicant gives one example where if a given supplier supplies no parts at all, then the information is shown for that supplier in the result concatenated with a blank part number. However, there are other supplier examples where parts are supplied. The results are shown for all suppliers with their appropriate part numbers or blanks. Appropriate contents for each supplier are entered into the Table OJEX.). In addition, see the rejection above in paragraph 8 for rejection to claim 1.

In the remarks, the applicant argues that:

f) Further, independent claim 19 is likewise allowable over the art of record, at least for the reasons set forth with regard to Date. Moreover, Applicant notes that Wagner fails to teach or suggest any of the subject matter noted above as deficient in Date. Accordingly, Applicant submits that independent claim 19 is allowable over the art of record.

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Examiner's response:

f) In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (571) 272-3730. The examiner can normally be reached on Mondays through Fridays from 9:30 AM to 6:00 PM.

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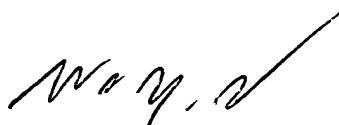
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y Zhen, can be reached on (571) 272-3708. The fax phone number for the organization where this application or processing is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



QN
December 19, 2005


WEI Y. ZHEN
PRIMARY EXAMINER